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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/663,453 | 09/15/2000 | Syam Prasad Aribindi | Aribindi 1-2-3 | 3610 |
| 24283 | 7590 | 11/20/2003 | EXAMINER | |
| PATTON BOGGS PO BOX 270930 LOUISVILLE, CO 80027 | | | SHARMA, SUJATHA R | |
| | | ART UNIT | | PAPER NUMBER |
| | | 2684 | | 12 |
| DATE MAILED: 11/20/2003 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

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| | | | |
|------------------------------|-----------------|-----------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/663,453 | ARIBINDI ET AL. | |
| Examiner | Art Unit | | |
| Sujatha Sharma | 2684 | | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 August 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

| | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____ . |
|---|--|

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim [WO 99/41853].

Regarding claims 1 and 7, Kim discloses a CDMA communication system, which provides a dedicated control channel capable of efficiently communicating control messages between a base station and mobile station. Kim further discloses a means for storing the data generated by the terminal and further segmenting the data in the core unit to include payload of pre-determined size. Kim further discloses a method of selecting a dedicated control channel and a packet traffic channel/supplemental channel. Kim further discloses a method of packaging the core unit into a RLP frame. See Fig.5, abstract, summary of invention, page 17, lines 10-16, page 21, lines 11-15.

Regarding claims 2 and 8, Kim further discloses a method of selecting the core unit and prepending a header to the core unit, the header comprising of sequence number and payload length. See figures 2A-2C, page 21, line 19 – page 23, line 2.

Regarding claims 3,5,9, and 11, Kim further discloses a method where a field in the header indicates whether the contents are for the dedicated control channel or for the supplementary channel of the radio link.

Regarding claims 4,10, Kim further discloses a method of concatenating a plurality of core units and prepending the header to the core unit. See figures 2A-2C, summary of invention and page 21, line 19 – page 23, line 2 and page 1, lines 12-19.

Regarding claims 6 and 12, Kim further discloses a method of appending the header and the core unit to the concatenated core units. See figures 2A-2C, summary of invention and page 21, line 19 – page 23, line 2 and page 1, lines 12-19.

Response to Arguments

Applicant's arguments filed 8/11/03 have been fully considered but they are not persuasive. The applicant is drawn to the reference Kim [WO 99/41853] where it is disclosed that a control channel is assigned to mobile stations using the packet data service and in exceptional cases the dedicated control channel maybe used together with the voice traffic channel for high quality service. See page 12, lines 8-18. Since the control channel is assigned to "mobile stations" and not to any one particular mobile station, it is clear that the control channel is also assigned to the mobile station that is active and maybe used together with the voice traffic channel for high quality service. This has been addressed in the final office action mailed on 3/26/03, page 3, paragraph 3.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee [US 6,614,810] Method for processing data to be transmitted over the control channel.

Kim [US 6,438,119] Data communication device and method for mobile communication system with dedicated control channel.

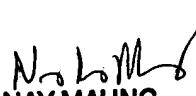
Paavonen [US 5,799,251] Radio system having additional signaling channel dedicated for user data transmission otherwise carried on control channel.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned and for all official communications is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.


Sujatha Sharma
November 13, 2003


NAY MAUNG
SUPERVISORY PATENT EXAMINER